STATE WATER CONSERVATION COMMISSION Minutes of Meeting Held in Office of Water Conservation Commission Bismarck, North Dakota

January 16, 1953

A special meeting called by Governor Brunsdale for the purpose of reviewing the report of Wm. E. Warne, former Asst. Secretary, Department of the Interior, on irrigation in the Heart River Valley, and for working out a repayment plan and other considerations that would be agreeable to the residents of the Heart River area, was held in the Governor's Conference room on the forenoon of January 16, 1953. Present at this meeting were Members of the State Water Commission, Bureau of Reclamation, Missouri-Souris Projects Association, National Reclamation Association, North Dakota Reclamation Association, Northern Pacific Railway, Great Northern Railway, Heart River Irrigation District officers and directors and residents of the area, and other interested individuals.

ATTENDANCE AT THE MEETING:

Governor Norman Brunsdale, Bismarck, North Dakota

Math Dahl, N.Dak. Water Commission, Bismarck, North Dakota

Earle F. Tucker, N.Dak. Water Commission, " " "

I. A. Acker, Asst. Attorney General, State Water Commission, Bismarck

J. J. Walsh, State Engineer, Bismarck

Bruce Johnson, Dist. Mgr., Bureau of Reclamation, Bismarck

G.A. Freeman, Dist. O & D Supervisor, Bureau of Reclamation, Bismarck

Jack E. Case, Bismarck Tribune, Bismarck

Einar Berge, Bismarck

Steve Olness, United Press, Bismarck

Oscar Berg, Missouri-Souris Projects Assin, Minot

A. M. Christensen, Member, State Water Commission, Minot

J. I. Rovig, North Dakota Reclamation Ass'n, Mandan

R. E. Sylvester, Heart River Irrigation Dist., Mandan

C. F. Kelsch, Attorney, Mandan

H. S. Russell, Mandan

Mr. & Mrs. A. C. Nelson, Mandan

H. W. Lyons, Jamestown

James J. Flannery, Jamestown

R. L. Dushinski, Devils Lake

Byron J. Rockwood, City Manager, Grand Forks

Oscar Lunseth, Member, State Water Commission, Grand Forks

Fred J. Fredrickson, Valley City (Planning Coordinator) GNDA and State Water Comm.

A. J. Dexter, Northern Pacific Railway, St. Paul, Minnesota

K. F. Vernon, Bureau of Reclamation, Billings, Montana

W. J. Burke, Regional Counsel, Bureau of Rec'l, Billings, Mont.

Einar H. Dahl, Member, State Water Commission, Watford City, N. Dak.

LeRoy Pease, Greater N.D. Association, Fargo

E. M. Gregory, Great Northern Railway, Fargo

L. O. Chase, Carson

Philip Stolberg, Flasher

R.J. Sailer, N.D. Reclamation Association, Bismarck

At 2 o'clock in the afternoon, the Commissioners assembled in the office of the State Water Commission for a regular meeting to consider business pending before the Commission. Present at the meeting were the following:

MEMBERS OF STATE WATER CONSERVATION COMMISSION:

Hon. Norman Brunsdale, Governor and Ex Officio Chairman

Einar H. Dahl, Member of Commission from Watford City

Earle F. Tucker, Member of Commission from Bismarck

A. M. Christensen, Member of Commission from Minot Oscar Lunseth, Member of Commission from Grand Forks J. J. Walsh, Secretary and Chief Engineer, State Engineer

OTHERS PRESENT:

Richard Oium, President, Eaton Flood Irrigation Project
Dr. E. B. Norum, Soil Scientist, North Dakota Agricultural College
Dr. Hays, Bureau of Plant Industry, Mandan Development Farm
Fred J. Fredrickson, Planning Coordinator for the State Water Commission
Phillip Nelson, Chairman, Bismarck Gardeners' Association
O. A. Fuller, Committee Member, "
Charles A. Jenson, Committee Member, "
I. A. Acker, Counsel for the State Water Commission
Einar Berge, Publicity Director, State Water Commission

The meeting was called to order by Commissioner Einar Dahl, presiding as Chairman, at 2 o'clock p.m., with Commissioners Tucker, Christensen, Lunseth and Einar Dahl and Secretary Walsh present. Mr. Richard Oium, President of the Eaton Flood Irrigation Project, was also present at the opening of the meeting.

Richard Oium, President, Eaton Flood Irrigation Project at Towner, met with the Commissioners relative to works and costs incurred in the repair of the Eaton Dam, and reported that the job done by the construction company was satisfactory. A statement of cost from the Markle & Thompson Construction Company, Minot, shows this repair job to cost \$5,882.73, plus an additional 10% of the cost in the amount of \$588.27, which Mr. Oium reports was not stipulated in the agreement. The Commission requested that Mr. Oium have the contractor present a complete itemized statement of the bill of cost which would show all costs including labor, social security, and workmen's compensation. Mr. Walsh was requested to write Markle and Thompson Construction Company, holding back the 10% payment of \$588.27 and agreeing to pay 40% of the actual cost, or \$2,353.09, pending the receipt of a more detailed statement.

A motion was made by Commissioner Christensen, and seconded by Commissioner Lunseth, that the Water Commission withhold the additional 10% of cost in the amount of \$588.27, and pay 40% of the total bill in the amount of \$5,882.73, or \$2,353.09, for the actual cost of the work incurred in the repair of the Eaton Dam, and that a voucher covering the costs be submitted to the district secretary, L.G. Hardie, for his signature, and approved by the Chairman, Mr. Oium. Upon roll call by Commissioner Einar Dahl, acting as Chairman, Commissioners Christensen, Lunseth, Tucker and Einar Dahl all voted aye and the motion carried.

It was moved by Commissioner Christensen, and seconded by Commissioner Lunseth, that the Water Commission pay 40% of the bill in the amount of \$222.10, or \$8.84 submitted by Mr. Richard Oium, for acting as supervisor of repair of the main gates at the Eaton Dam project. On roll call by the Chairman, Commissioners Christensen, Lunseth, Tucker and Einar Dahl voted aye and the motion carried.

Dr. Norum and Dr. Hays of the North Dakota Agricultural College entered the meeting at 2:45 o'clock p.m., Dr. Norum appearing for Dean Walster of the North Dakota Agricultural College, and reporting on the situation confronting the development farms at Mandan and Upham, where a problem has arisen requiring additional funds for maintaining a native Chinese chemist in the field. This man works in the capacity of Soils Chemist and holds a P.H.D. degree, and is very capable. He is employed on the soils management at the Mandan and Upham development farms. The Bureau of Reclamation has transferred funds to the N.D. Agri-

cultural College, which they in turn use to cover the salary of the Chinese chemist. The Bureau is now in a position where they do not have sufficient funds to pay his salary for the period from February 1 to July 1, and have asked the Agricultural College to lay the matter before the Water Commission. The Bureau of Plant Industry are also unable to pay his salary because he is not a citizen and has declared no intention of becoming one, therefore they cannot employ him. Dr. Norum explained that he is now hired as an agent and paid by Federal and State funds cooperatively. They now asked that the State Water Commission assume responsibility for the period from February 1 until July 1, 1953, in the amount of \$2,000.00, the Bureau to again take over the payments on July 1, 1953. Dr. Hays explained that their program emphasized irrigating lands in North Dakota, dealing with soil management and irrigation practices, and problems which present themselves relative to the irrigation of crops. A staff of five professional men are employed in the irrigation divisions, who are paid by headquarters. The Bureau of Plant Industry contributes \$40,000 a year to this program for the State of North Dakota.

It was moved by Commissioner Christensen, and seconded by Commissioner Lunseth, that a "memorandum of understanding" covering all legal aspects which might be incurred in the transfer of funds, and stating the purpose for which the money will be spent(for salary) in an amount not to exceed \$2,000, be drawn up, to the effect that the Commission will assume this responsibility of payment if the Bureau of Reclamation will again continue to meet the payments beginning July 1, 1953, and that these funds will be transferred from the State Water Commission Fund No. 11, entitled, "Small Projects, Other Invest., Surveys, etc." in a maximum amount of \$2,000, for payment of the above salary for this period. Upon roll call by the Chairman, Commissioners Christensen, Tucker, Lunseth, and Einar Dahl all voted aye and the motion carried.

The Commission requested that Dean H.L. Walster correspond with Secretary Walsh in having this memorandum of understanding drawn up between the contracting parties, and that a copy of the agreement now being used in cooperation with the Bureau of Reclamation be mailed to the Water Commission for their files. Dr. Hays said they would be glad to explain their program further to the Commission at any time, and that they also have kodachrome pictures on irrigation development available for showing. Drs. Norum and Hays left the meeting at 3 o:clock p.m.

It was moved by Commissioner Tucker, and seconded by Commissioner Christensen, that the Financial Statements for the month of December, 1952, be approved and filed for record. Upon a unanimous vote of the Commissioners, the motion carried.

It was moved by Commissioner Christensen, and seconded by Commissioner Tucker, that the minutes of the State Water Commission meeting held on December 16, 1952, be approved, which motion carried by a unanimous vote of the Commission.

It was moved by Commissioner Christensen, and seconded by Commissioner Lunseth, that the report of former Asst. Secretary of the Interior, William E. Warne, on "Irrigation in the Heart River Valley" be filed for record in the office of the Water Commission.

At 3:10 p.m. the Gardeners' Association, represented by Phillip Nelson, Chairman, and Committee members O.A. Fuller and Charles A. Jenson met with the Water Commission to propose and work out some arrangement whereby the Water Commission would continue its interest in the Bismarck Irrigated Gardens project for at least another year. Mr. Phillips informed them that the Park Board now expresses a willingness to allow the ditch to be used for another year; and that he has checked with Gen. Heber Edwards at Fort Lincoln, who plans definitely to sell the land

where the gardens are located within a year or two. They requested the Water Commission to rescind its action in closing out the activities of the gardeners for the coming year, until the natural expansion of the City of Bismarck will take care of it. Mr. Phillips promised that the Association of Gardeners can give back to the Commission their guarantee that the gardeners will take care of their share of the main ditch as well as their own gardens; also that they could arrange to raise the rental while there are still enough gardeners to make it worth while, and suggested that the gardens could be replotted and some of the ditches cut off, and requested that the Commission reconsider its action on terms agreeable to both parties. Commissioner Tucker suggested that some organization, such as the "Kiwanis Club", have charge of the administrative expenses in connection therewith and collect the rentals, instead of this being handled through the Association of Commerce.

Motion was made by Commissioner Lunseth, and seconded by Commissioner Tucker, that the Water Commission reconsider their action, or decision, made at the last meeting, in closing out activities in connection with the irrigated gardens project. On roll call by Commissioner Dahl, Commissioners Tucker, Christensen, Lunseth and Einar Dahl all voted aye and the motion carried.

It was moved by Commissioner Tucker, and seconded by Commissioner Lunseth, that the Water Commission cooperate with the Gardeners' Association--if the Park Board will not maintain the ditch through the park---to maintain the ditch through the park only, and to set up a project, such as the "Kiwanis Club" to assume the responsibility of collecting rentals for the gardens, with the understanding that the Gardeners Association will do sufficient promotion to see that no less gardens than in 1952 be leased for 1953, in order that there would be the same incoming revenue, and comply with the points of the Gardeners' Association agreement, which follows:

- 1. To promote the gardens to the best of our ability.
- 2. To set up a reliable gardening committee to deal with the State Water Commission, who would have charge of the accounting for the project and handle payments made to the State Water Commission.
- 3. That the gardeners agree to take care of each one's share of the main ditch adjacent to his garden.

On roll call by the Chariman, all Commissioners present voted in favor of the above motion. The Gardening committee were instructed to have a contract drawn up and presented to the office of the Water Commission for signature. The committee left at 3:30 o'clock p.m.

It was moved by Commissioner Christensen, and seconded by Commissioner Tucker, that the Secretary be authorized to pay the annual dues in the amount of \$105.00, to the National Rivers and Harbors Congress, as the North Dakota State Water Commission's contribution. On roll call by the Chairman, Commissioners Christensen, Tucker, Lunseth, and Einar Dahl all voted aye and the motion carried.

Governor Brunsdale and Fred J. Fredrickson, Planning Coordinator for the Water Commission, entered the meeting at 3:30 o'clock p.m.

Atty. I. A. Acker entered the meeting at 3:40 o'clock p.m.

A request from Mr. Chesak for the right to cut timber on the 100 acre tract of land now leased to S.E. Turnbow and Bill Turnbow of Bismarck, and known as the "Dullam Estate" was considered by the Commissioners. Mr. Turnbow is opposed to the removal of timber by any outside party from the land which he is now leasing. Mr. Chesak's application for permission to cut timber was not granted, as the Water Commission have no desire to dispose of the timber at this time.

Applications for the right to use water of the State of North Dakota for irrigation purposes were considered, and the following action taken:

It was moved by Commissioner Tucker, and seconded by Commissioner Christensen, that the action of the State Engineer in granting the application of the U.S. Bureau of Reclamation, Department of the Interior, for permit to divert and appropriate water from Deep River, tributary of the Souris River, at the rate of 3 cu. ft. of water per second for the irrigating season, with an annual maximum amount of 250 acre feet, for the irrigation of 125 acres of land comprised within the project known as the Deep River Development Farm, Crosby-Mohall Unit, Missouri-Souris Division, Missouri River Basin Project, described as follows: The SWLNEL, NELSWL, NWLSEL, SWLSEL, of Sec. 13, Twp. 159 N., Rge. 79 W., McHenry County, North Dakota, as requested in their application on file in the office of the State Water Commission, be approved, subject to all prior rights and appropriations on the stream, and subject to any final action taken thereon by the International Joint Commission. Upon a unanimous vote of the Commissioners, the motion carried.

It was moved by Commissioner Tucker, and seconded by Commissioner Christensen, that the action of the State Engineer in granting the application of James E., J. Loren and Robert E. Brooks, Burlington, North Dakota, for a permit to divert and appropriate water from the Des Lacs River, tributary of the Souris River, for the irrigation of 84.6 acres of land described as the $W_{2}^{1}NW_{4}^{1}$, $N_{2}^{1}SW_{4}^{1}$ and the $SW_{4}^{1}SW_{4}^{1}$ of Sec. 29; and the $NE_{4}^{1}NE_{4}^{1}$ and the $SE_{4}^{1}NE_{4}^{1}$ of Sec. 30, Twp. 156 N., Rge. 84 W., located in Ward County, North Dakota, be approved, and limited to an annual diversion of 84.6 acre feet of water, subject to all prior and existing water-rights and appropriations covering the Des Lacs River, and also subject to any final action taken thereon by the International Joint Commission. Upon a unanimous vote of the Commissioners, the motion carried.

It was moved by Commissioner Tucker, and seconded by Commissioner Lunseth, that the action of the State Engineer in granting the application of Martin Tonn, New Rockford, North Dakota, for a permit to divert and appropriate water from the James River, tributary of the Missouri River, for the irrigation of 76.0 acres of land described as the $NW_{\frac{1}{4}}^{\frac{1}{4}}NE_{\frac{1}{4}}^{\frac{1}{4}}$ and the $S_{\frac{1}{2}}^{\frac{1}{2}}NE_{\frac{1}{4}}^{\frac{1}{4}}$ of Sec. 33, Twp. 149 N., Rge. 66 W., located in Eddy County, North Dakota, be approved, and limited to an annual diversion of 76.0 acre feet of water, subject to all prior and existing water-rights and appropriations covering the James River. Upon a unanimous vote of the Commissioners, the motion carried.

Mr. Fred Fredrickson, Planning Coordinator for the State Water Commission, and Atty. I. A. Acker, Counsel for the State Water Commission explained bills and legislation affecting the State Water Commission, which are proposed for introduction in the State Legislature, to the Commissioners.

As there was no further business, the meeting adjourned at 5 o'clock p.m. Respectfully submitted,

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ATTEST:

Chairman

NORTH DAVOTA STATE WATER CONSERVATION CONHISSION MONTHLY REPORT OF ACCOUNTS AS OF JANUARY 31, 1953 1951-1953 APPROPRIATIONS

Fund No.	Appropriations	Available July 1951	Expended to Dec. 31,1952	Expended Jan. 1953	Balance Jan. 1953
	Commissioners-Per Diem & Expenses	6,000.00	\$ 3,531.71 \$	236.00	2,232,29
?	Administration	35,000.00 4,334.50	26,689.61	2,104.50	10,540.39
•	Naintenance of Dams	120,000,00 51,085.55	127,061.73	4,255.34	39,768.48
	International & Interstate-Commissions & Conference Expense	14,000.00	6,216.13	NIL	7,783.87
	Topographic & Conservation, Cooperation with U. S. Geological Survey	35,000.00	17,500.00	NIT	17,500.00
	Hydrographic Surveys, Cooperation with U. S. Geological Survey	25,000.00	14,350.39	3,102.17	7.547.44
	Salary-State Engineer	6,000.00	4,500.00	250.00	1,250.00
	Construction & Reconstruction Drains or Irrigation	90,000.00	16,832.10	NIL	73,167.90
	Engineering & Geological Surveys & Demonstrations	35,000.00	31,973.04 2	2,644,51	382,45
)	Cooperation with U. S. Departments & for organizing Conservation & Irrigation Districts	65,000.00	43,100.08	674.02	21,225.90
l.	Smill Projects, Other Invest., Surveys & Etc	150,000.00		,564.92	94,215.10
2	·-	70.541.00		¥ -	70.541.00
\/*\		706,961.05	\$ 342.974.77 \$ <u>17</u>	.831.46 \$	346,154.82

NORTH DAKOTA STATE WATER CONSTRUCTION COMMISSION MONTHLY REPORT OF ACCOUNTS AS OF JANUARY 31, 1953 1949-1951 APPROPRIATIONS

Fund No.	Appropriations	Available July 1953	£	Expended Jan. 31, 19		Balance Jan, 31, 1953	
1	Commissioner's Per Diem and Expenses	4,000.00	E 1152 \$	3,995.89	\$	4.10	(R) 0 (R)
2	Administration	30,000,00 5,829.70	*	35,818.16		11.54	an incom
3	Maintenance of Existing Dams	100,000.00	A NOT B	153,393.52	v a = 1	176.10	n er - 7
4	International and Interstate Commissioner's and Conference Expenses	12,000.00	947 FE	9,901.05		2,098.95	,
5	Topographic and Conservation, Cooperation with the USGS plus transfers		3 16 , 1	33,085.60	13	NIL	
6	Hydrographic Surveys, Coop. with USGS	20,000.00	¥ _{18.} × .	20,090.87	1 /	NIL:	n s 115
7 = -	Salary-State Engineer	5,400.00	8v .e	5,400.00		WIL	
8	Construction and Reconstruction-Drains or Irrigation	150,000,00	8 5 8	136,568.70	1	3,431.30	
9	Engineering & Geological Survey & Demonstrations	33,006.12		33,006.12	92	NIL	2
10	Cooperation with U. S. Depts, Small Projects & for operating Conservation & Irrig. Dist. plus refunds less transfer of \$13,000.00	122,007.30		62,995.10	5	9,082.20	
11	Other Investigations, Surveys and Etc	90,000.00 36,76	A v	89.914.61		122.15	
	DCE:ed = \$.	659.095.97	\$	584,169.62	\$ 7	4,926.35	ō



NORTH DAKOTA STATE WATER CONSERVATION COMMISSION BALANCE OF PRIOR FUNDS RECOVERED BY OPINION OF ATTORNEY GENERAL AND UNDER SECTION 54-2709 AS OF JANUARY 31, 1953

und o.	Year		Balance vailable	Expended to Jan. 31,1953	Balance Jan. 31,1953
	1939	Commissioner's Per Diem	L,727.00	\$ 1,684.24	\$ 42.76
	1939	Sponsor's Share of Dam Repairs	2,088.08	2,058.52	29.56
	1941	Commissioner's Per Diem	395.00	159.76	235.24
	1941	Maintenance of Existing Dams, plus \$51.00 refund	53.86	» NIT	53 . 8 6
2	1941	Tri-State Water Administration and Conference	8.61	nit	8.61
j	1941	Topographic Survey	,13		,13
		\$ <u>1</u>	1,272.68	\$ 3,902.52	\$ 370.16

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NORTH DAKOTA STATE WATER CONSERVATION COMMISSION DEPOSITS IN THE BANK OF NORTH DAKOTA JANUARY 31, 1953

Sources of 1	Deposits			Transit No.	Amount Deposited	Expended Jan, 31, 1953	Balance Jan. 31, 1953
Collection on Yellowstone Pumping Irrigation District \$3,500.00 warrant. Tax Collections for partial payment of interest and principal to March, 1952.				501-118	\$ 1,711.40		\$ 1,711.40
Contribution	s for Ground	water Surveys	12				
Fessenden Wountain Waddock Ladota Rolla Devils Lake Litchville Fyndmere Portland Lindred Lydo	\$ 1,000.00 100.00 750.00 1,000.00 750.00 7,500.00 1,000.00 1,000.00 700.00 1,000.00 250.00	Transfer St. John Streeter Mohall Richardton Bowbells Michigan Wimbledon Fairmount Hope Sharon Stanley	750.00 1,000.00 1,000.00 750.00 1,000.00 580.50 1,000.00 1,000.00 250.00				
eche	300.00	Uphan	750.00	501-128	26,930.60	\$ 20,048.58	6,882.02
		velopment Book		501-127	2,861.57	1,488.32	1,373.25
ewis & Clar	c Irrig. Dist	. Drainage F	und	501-121	2,806.92	2,786.40	20,52
	DCH: ed	TOTAL OF AL	L BANK OF NORT	H DAKOTA DEPOSITS	AS OF JANUARY31,	1953	\$ 9.987.19

PAYROLL OF NORTH DAKOTA STATE WATER CONSERVATION COMMISSION CANUARY 31, 1953

ramo	Duties	Salary for December	Withhold- ing Tax	N. D. Oasis	Hosp. Ins.	Bond	Net Pay	Remarks
Walsh, J. J. Sec	cy-State Engineer	\$ 550.CO	\$ 55.60 \$		\$ 5.83	\$	467.32	Increased Jan.1952
Acker, Iver A. Spe	ec. Assit Atty. Gen		48.70	6.00	8.83		336.47	Increased Jan. 1952
	eld Engineer	325.00	42,60	4.87	- 3.9 0		273.63	Increased Jan. 1952
Berge, Einar Te	chnical Ass't	150,60		2.25	8.8 3		138.92	Increased April, 1952
	e't Sec'y	257.75	22,06	3.27	8.83	_	183.59	Started Jan, 15, 1953
Karold Dodd, As	s!t Const. Engineer	32 5, QO	42.60	4.87	8.83 \$	6,25	262.45	Increased Jen. 1952
Duppong, Esther Ste	enographer	155.00	19.70	2.33	3.90	(C)	129.07	Increased Jan. 1953
Fredrickson, FredPla	anning Coordinator	207,00	ST 27 039	3.00	-		197.00	ř.
Camble, Clarence Ass	st Field Engineer	300.00	37.80	·4.50	3.90		253.80	Increased July1952
Hagert, E. S. Chi	ief Invest. Eng.	400.00	59 .80	6.00			334.20	Increased Jan. 1952
Henke, Dallas C. Acc	countant	385.00	22.00	5.75	8.83		348.39	Started Jan. 1,1953
	ast. Foreman	275.00		4.13		a.75.00		Started Dec. 11,1951
Cudinov, Wasilij Dra	eftsman	275.00	33.00	4.13		11	237.87	Increased Sept. 1952
Nichols, Don Ch.	ief Cohst. Engineer		41.60	6.37	8.83		368.20	Increased Jan. 1952
Nordstrom, Franz Ed	_	300.00	15, 60	4.50	18 = 2	- 3	279.90	Increased Jan. 1952
Peterson, WinifredCh		270.00	45.70	4.20			230.10	Increased Jan. 1953
	man	150.00	18.90				_	
	borer	250.00	70, JO	2.25	0 67		124.95	Increased Jan. 1952
-	nst. Engr.	•	76 70	3.52	8.83		222.65	Increased July 1952
	mp Attendant	* 350,00	36.30	5.25	8.83		299.62	Increased Jan. 1952
		180.00	3.10	2.70	193		174.20	Started June 1,1952
Anager, noyen 1000	okkeeper	225.00	34.10	3.48			187.42	Increased Jan. 1953

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